

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 1 and 19-20. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-3, 6-15, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Winchell, *et al* (US Patent Publication No. 2002/0151321) in view of Laursen, *et al*. (US Patent Publication No. 2001/0041556) and further in view of Herzog (IEEE/ACM Transactions of Networking, Vol. 5, No. 6 "Sharing the Cost of Multicast Trees: An Axiomatic Analysis").

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Winchell, *et al* in view of Laursen, *et al*. and Herzog and further in view of Briscoe (US Patent Publication No. 2005/0286488).

Claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Winchell, *et al* in view of Laursen, *et al*. and Herzog and further in view of Wahl (US Patent Publication No. 2002/0089985).

In that regard, the Applicant extremely appreciates the Examiner's Interview allowed on April 26, 2010 wherein the proposed amendments as indicated above have been reviewed by the Examiner. As discussed during the Interview, the Applicant submits that the use of the charging data for billing the provider of the point-to-multipoint service wherein that charging data is dependent on the number of the subscribers receiving the identified service is not disclosed or taught by the cited references. In view of this further limitation in all pending independent Claims, the Applicant now respectfully submits that independent Claims 1, 19, and 20 and their respective dependent claims are allowable over the cited references. The Examiner's favorable reconsideration is earnestly requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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